

Chapter 9: “Access to the Bar for all”, not the few

By Charlotte Ogilvie, marketing and communications executive, Garden Court Chambers

“I wear a scarf, I am a short, brown girl. I don’t (yet) wear a wig. I have felt out of place in court. I often walk into courtrooms and everyone is an older white man wearing a wig. It used to be intimidating, but I’m getting used to it. Through ‘Access to the Bar for All’ I can see that I am welcome here and that I am supported.”

Nazia Islam, former sixth form pupil from Oaklands School, Tower Hamlets, London

Race, gender, or socio-economic background should not act as barriers to inclusion; yet today women, people from Black, Asian and Minority Ethnic (BAME), and low socio-economic backgrounds remain under-represented at the Bar. In 2018 in the UK, women accounted for 37.4 percent of barristers, and only 15.8 percent of QCs (Queen’s Counsel) – a designation given to eminent lawyers who have proven excellence in advocacy.¹ Only 13 percent of barristers are from BAME backgrounds, and only 7.8 percent of those were QCs in 2018. At this rate, it will take 50 years before women comprise half of all QCs and 100 years for the percentage of BAME “silks” – a colloquialism for a member of Queen’s Counsel – to mirror the general population. In addition to this, the Bar Standards Board (BSB) has reported that a “disproportionately high percentage of the Bar primarily attended an independent secondary school”.² This is unacceptable.

In order for the Bar, and the legal sector more widely, to remain both credible and relevant it must go far beyond just recognizing its own lack of diversity, though that is *of course* a necessary step. When we talk about increasing diversity, we must steer well clear of the narrative around a “dilution of standards” – an idea fueled by prejudice, whether conscious or unconscious. The current underrepresentation of women, people from BAME, and low-socio economic backgrounds *clearly* does

not derive from any shortage of talent. Rather, the legal profession as we know it does not select from everyone, but from the few, and often those who are the easiest to reach.

It is not in our interest for the Bar to be dominated by people from one background alone. A diversity of experiences and outlooks are needed, and people from underrepresented groups must be shown that the legal sector wants to actively encourage and support them. If anything, people who have faced hardship tend to be more driven, committed, and dedicated than their more privileged counterparts. There are still so many groups that the Bar hasn't warmed up to yet, where raw materials are left untapped and undiscovered from a lack of proactive pursuit. This is changing, and must continue to do so.

In 2017, in an effort to redress this imbalance and accelerate the rate of progress, Garden Court Chambers, which has just under 200 barristers, set up "Access to the Bar for All", a long-term mentoring scheme that encourages students from minority and disadvantaged groups to consider a career as a barrister. The scheme is now entering its third year, and it is constantly evolving.

Khadeza Ali, one of six young women in our first cohort, who is now in her second year of History and English at Queen Mary University of London, says, "The reality is the Bar is not anywhere near as diverse as it should be". Exposure, she believes, both *for* young people from diverse backgrounds, and *to* them, is vital to making change. "If someone different is right in front of you, naturally your mind is going to start thinking about them," she says. "My differences are very obvious... I am of a different race. I am of a different religion. I am a woman. And I am covered." Ali explains the significance of the scheme pushing the profession to consider people "like her". "When people see me they are forced to think how to make inclusion happen."

Nazia Islam, another mentee on the scheme, now in her second year studying English Literature at the University of Cambridge, says that she believes that diversity schemes such as "Access to the Bar for All" are necessary to encourage and support people from all sections of society, and especially those who aren't always able to enter the legal profession without them. Islam maintains that they will not only benefit the individuals taking part, but the legal profession and justice system more widely. She says, "We need to have more women representing women on women's issues, and more practitioners from diverse backgrounds representing the diverse communities that make up our country".

What sparked the scheme?

In November 2016, Garden Court Chambers won an award for public and administrative law. Leslie Thomas QC – chair and joint head of Garden Court Chambers, who attended the awards ceremony – reported seeing less than a handful of black faces in a room of almost 300 people. That same month, Garden Court held an open day for potential pupils and it became apparent that the majority of those from certain socio-economic backgrounds had no experience in chambers, no contacts, and no support to remedy this.

Mia Hakl-Law, our director of Operations and HR, and Connor Johnston, one of our barristers, respectively decided that, in order to address the under-representation of women, ethnic minorities, and people from low socio-economic backgrounds, young people needed to be approached before they decided the legal profession was not for them. They felt that a positive impact could be had if secondary school students had access to mentors when they were 16, before their A-levels (pre-university exams in the UK), that would offer them a helping hand over a long period of time.

Setting up the scheme

Upon realizing that for change to happen we would have to do it ourselves, Mia put forward a proposal at Garden Court Chambers' AGM in January 2017, which was voted through unanimously. The proposed scheme was for small-scale, full support for two students each from three schools in some of the most economically deprived areas of London – Tower Hamlets, Southwark, and Greenwich. At least one of the two young people selected from each school had to be a girl, and at least one had to come from a BAME background. All participants had to be in receipt of free school meals, be the first generation in their family to go to university, and live in an area that is in the top 10 percent of the Multiple Index of Deprivation. The participants were selected through a formal recruitment process run by Chambers.

The successful candidates were then offered mentoring from a barrister for five years, three weeks of paid work experience per year, and the opportunity to be awarded a £7,000 scholarship to assist with living expenses for each year of university if they went on to study a law degree at undergraduate level.

After the scheme was voted in, Mia sent out a message asking for six tenants to commit to volunteering as mentors over a five-year period. Twenty barristers volunteered within 30 minutes.

"I thought it was a fantastic idea to have a scheme that was very concentrated on a handful of mentees, but long term that would give very concrete practical and financial support to young people from specific backgrounds," says Di Middleton QC, barrister at Garden Court Chambers, who was previously a mentor through the scheme. She continues:

"It's very special to be able to make such a substantial difference to one person's life. This is not just a leg-up in a financial year for an organization. It is a massively influential scheme with tangible benefits for the participants in their actual development and in their introduction to adulthood... One of the things I like about the scheme is the fact that we choose carefully where the mentees come from and let class and economic background feature in it – not just more obvious inequalities like ethnicity or gender."

Funding the scheme

The cost is spread across all members of Chambers over a five-year period. Since its inception, Garden Court Chambers has operated the Special Fund, a unique source of funding within the legal profession. Every member of Chambers, of which we have around 200, contributes financially to the Special Fund through a percentage of their yearly earnings. It primarily makes donations to small, progressive, cutting-edge organizations doing legal, campaigning, or charitable work in defense of civil liberties and/or access to social justice. All funds for "Access to the Bar for All" come from this resource. All members of Chambers are invested both financially, and on a deeper level that is tangible through the positive interactions between tenants and mentees.

The application process

When it was agreed that the scheme was going ahead, it was decided that three schools should be chosen. Mia contacted schools which, in previous years, had asked Garden Court to take students for work experience; she also contacted the National Union of Teachers, seeking recommendations of which areas in London to aim for in terms of deprivation levels. She then pitched the scheme to a number of schools, who responded positively to her initial call. The final three were then selected based on the levels of interest and proactivity from the heads of sixth form, including how successful they had been in getting students interested and involved in the introduction sessions that she had delivered.

A group of barristers in Chambers devised an application form that was sent to schools for interested students to fill in. They had to fulfil

the criteria mentioned above, but also respond to questions about their motivation and current affairs.

The application forms were then assessed, and the most promising candidates were invited to Chambers to attend a formal panel interview. For most of the young people who made it to the interview stage, it was a novel experience.

Joey Liu, who is now a second year History student at the University of Exeter, joined the scheme as a sixth form pupil at Walworth Academy, Southwark. She reflects on her experience of the interview process:

“It was the scariest thing... The questions were unexpected. It sounded daunting beforehand, but when it came around, the barristers were really friendly. They just wanted to get to know us and find out if we were the best candidates for the scheme. It was actually quite therapeutic just to have someone asking me questions and making me reflect on why I really want to do this.”

The scheme

Mentoring

All participants are paired with a barrister who will be their mentor for the duration of the scheme. Mentors provide participants with someone to interact with on a regular basis outside of their normal spheres. Liu says:

“It’s good to have someone to talk to – not your parent, not your teacher, not your friend, but someone outside of it all who doesn’t know you, but you get to tell them things, learn from them, exchange ideas, and it’s just between you.”

All mentors and mentees keep in contact by phone and email, and most pairs meet face-to-face roughly every two months. Islam’s mentor is Ann Osborne, a family barrister at Garden Court.

“Ann and I meet up. We message each other... We talk things over quite often, and I keep her posted on how I’m getting on at university. It’s good to have someone outside of my loop to discuss things with and she often gives me new perspectives that I might not otherwise have considered.”

“We must put our money where our mouth is, and the scheme offers meaningful financial support,” says Middleton. “Initially the money seemed like a really important benefit. Yes, it’s part of it, but it’s so much more than a financial assistance scheme.”

She believes that what has even greater weight and makes "Access to the Bar for All" so unique is the long-term relationship and the exposure that comes with it. There is a "constant channel" between the mentee and their mentor, Chambers, and the Bar more widely. Giving someone the opportunity to "knock about" in Chambers, to meet barristers, attend social functions, go into court, and to have someone on the end of a phone or an email who is invested in them is invaluable. Says Middleton QC:

"Being in the environment and growing comfortable with it is so much part of this scheme. It's amazing to see someone becoming less and less self-conscious, and being able to really properly give hands-on help. I've seen Joey develop into someone gleaming with confidence."

In the first year of the scheme, Liu worked with her previous mentor, Middleton QC, on her application for university, stating that the constructive criticism offered, along with Middleton QC's ability to ask the right questions, was important in helping form a personal statement that Liu said really "sounded like me". Based on her application she was given conditional offers to study law at the University of Exeter – where she now studies History – or the University of Warwick, both prestigious universities in the UK. In her personal statement, after a discussion with Middleton QC, Liu wrote about the differences between court proceedings in immigration tribunals and criminal law, which made an impression on her.

"Tribunals are held in rooms like classrooms, but criminal courts are huge, old-fashioned, and much more what you might expect. I noticed that there's such a massive difference and wondered if that represented the importance attributed to immigrants in this country. It's almost as if they're not given enough attention, or their cases aren't valued as much. It's not just the physical scenery though, but also the Home Office. I could really feel the hostile environment."

Connor Johnston, before becoming Liu's mentor in the second year of the scheme, was a "satellite mentor". At that point he had not yet been assigned a mentee, and instead offered support with more ad hoc mentoring duties such as providing mock interviews for university. Islam benefited from this support and had a trial run before her interview to study English Literature at Cambridge, where she is now in her second year.

“It was very tailored. . . It’s different to being interviewed by your teachers who you know almost too well. The reality is that when you do go to the interview you don’t know the people sitting in front of you. Having a fresh face asking me questions I wouldn’t expect was so helpful. Afterwards, he also gave me feedback on what I needed to improve and praise for the things that I was already doing well. I realized that an interview doesn’t have to be stressful, or tense. Interviewers are not trying to trick you – they are trying to bring out the best in you.”

Johnston, reflecting on the experience, said:

“She didn’t need much coaching. The most useful thing I could do was give her validation. She hasn’t had any awards to show her she’s brilliant, but she has all of the raw materials she needs – all she was lacking was a bit of reassurance that she was good enough.”

Liu says, “I know I want to get into law”, while recognizing that it’s not going to be easy. She has discussed at length how she will get there with her mentor, Johnston, who she says has given her a valuable lesson in perspective.

“Connor has showed me that there is no rush. I think having another career first would be a good option for me, and then – when I’m a bit more well-rounded and knowledgeable – I can apply to the Bar.”

Liu says that she feels a lot of pressure, and that on top of her questioning herself, other people – sometimes those who don’t even know her – do the same. Outlining some of the barriers she faces, along with the other mentees, she says:

“It’s the sexism. The racism. The expense. . . On top of that, I’m really young.”

Undertaking a career in law is a huge investment, of time and money, and knowing that there is no “right” way to go about it is really reassuring.

Ali, similarly, has benefitted from this perspective.

“I think you have to grow into yourself. You have to know what you want and don’t want. What you can and can’t do. I never want to lose touch with myself.”

She says that she finds it really helpful to have her mentor, Jo Cecil, to bounce ideas off and to help take the pressure off a bit.

"My route to the Bar may not be very conventional. I think it's important to remember that it isn't a race. If anything, if I rush I'm not going to come to the profession with the right experience. There is no cap on time and no one is saying 'if you're not here by [a certain age], you're out'... Jo reminds me to take it one step at a time. One thing that makes me anxious is that I'm a massive planner. I want to know my ten-year plan now. But she [Jo] reassures me that perhaps a ten year vision rather than plan might be better for me. That I'll still get there if I take it slowly. That really helps. She's great."

Ali also praises the long-term nature of the scheme. She says that regularly going into court over a number of years is continuing to push her to grow in confidence in a setting that she initially found "uncomfortable" and "daunting".

"I'm often the only person who looks like me in the [court] room," she says. "People in the public gallery often wonder who I am... [Going into court] for the third summer now, doing it over and over again, has helped me get past the self-consciousness and discomfort."

Over time, she says, she has learned to be more sure and confident of her own more "obvious" differences.

"I am of a BAME background. I am a Muslim. I am a woman. I am hijabi... Not a lot of people who don't necessarily look or speak in the 'conventional' way are lucky enough to have [this] opportunity to go into court, again and again, until they learn to become comfortable with it."

Work experience

"There is no substitute for a working knowledge of what a job actually entails," says Mike Higgins, head of sixth form at Walworth Academy. "It's motivating and they are excited by that. They are excited by the real job."

Each participant follows three weeks of paid work experience for the duration of the scheme. This is flexible and varies depending on their interests. Liu gained experience of cases regarding black markets, the use of weapons, murder, family disputes, and immigration, stating that the effort made by the barristers to really get her involved in trials has "given [her] a real insight into how things actually work". Tomi Adagunodo

– a previous pupil at Walworth Academy, Southwark – and Islam, who attended Oaklands School, also saw a wide spread of different proceedings during their work experience. Hannah Dalton, former head of sixth form at Oaklands School, emphasizes:

“Lots of law firms and chambers offer work shadowing, work placements or e-mentoring, but for students like ours being dropped into a company for one week is not going to change their mindset or perspective in any long-term or meaningful way.”

Islam comments that being so close to cases has helped her make a view of the law itself, and not just the legal profession, and develop a deeper understanding of the mechanics of the system:

“It’s so useful working with people who are instructed in cases every day – being able to witness them, react to them, be curious and ask anything you want, to get answers to your questions straightaway and discuss them with someone who is so knowledgeable... That’s something that I haven’t been able to find anywhere else.”

During the work experience, participants also spend time with a range of barristers who are not their mentors. This is a chance for them to grow their contacts and be exposed to a broader group of practitioners working on different areas of law. Liu says of this aspect:

“I feel that this program has enabled me to build up my network... Being part of this has helped me grow in confidence and I find it so much easier to communicate with people now... I’ve learned how to be professional... and feel like I’ve become an adult as part of the process.”

Similarly, Adagunodo says:

“Since starting at Garden Court my communication skills have improved and I know how to target my speech and pitch things at the right level. I’m more adaptable now, more confident and more engaged with current affairs.”

As “Access to the Bar for All” is a new scheme, year-on-year, it is evolving. This year we introduced the opportunity for mentees to work as (paid) administrative staff at Garden Court for three months over the summer, to expand their knowledge of the workings of Chambers “behind the scenes”.

Liu says:

"Working in chambers, as part of the staff behind closed doors, is interesting and it has helped me to narrow down which barristers I want to work with and shadow in court. At the moment I'm in the reprographics room. I meet so many barristers all the time who work on so many different areas of law. Quite often [when they come down to pick up their printing] we have a chat about what they're working on. They're usually really friendly, and I'm learning a lot about them."

In addition to the personal connections, Liu says that she appreciates that doing this role has "really helped [her] see the break-down of Chambers and how it works on a day-to-day basis."

Wider exposure

"On my first day of work experience, I went to Luton Crown Court. I was the only girl there and the only black person. It's quite shocking to see the lack of ethnic minority practitioners at the Bar. It's usually the ethnic minorities who are the defendants and that's really sad," says Adagunodo.

However, being part of the scheme, she has got to know several women from ethnic minority backgrounds working in the law.

"I remember shadowing Ann Osborne. She's black. I could identify with her. It was inspirational to meet someone like me in a job like this, and a profession like this. I think it's important to be able to see people who look like you, who sound like you, and who come from the same background."

Islam commented on the position of women within the profession and suggests that it is not women themselves but the structure of the legal profession that doesn't always create the kind of space that they need.

"It's disheartening, but it makes me more determined," she says.

"I love that this scheme is aimed at girls – it's been amazing being around such intelligent women, both my peers and my superiors. I just feed off them. It's great to have such impressive role models – especially women from similar backgrounds to me – and I've met quite a few already. Every time I see one particular barrister at Garden Court Chambers I'm just so inspired. She is exactly what I picture when I think of a successful, confident woman: the way she is in court, how she talks to people – that's what I want to be like. I want to be just as strong."

Why we need access to the Bar for *all*, not just a select few

Liu talks about her experience of moving from South East London to study at the University of Exeter. She said it was a “massive culture shock” and that she was taken aback, coming from multicultural London to a much more homogenous setting where her ethnic background was suddenly much more noticeable, as well as her socio-economic background. She said that initially she was intimidated by her course mates who “talk like they know the textbook like the back of their hand” and that sometimes she was made to feel like an outsider. However, despite the clear advantages her middle-class counterparts might have in terms of finance and confidence, Liu says through her involvement in “Access to the Bar” she is in a “good position”.

“I know a few barristers. I get along with them. It’s not like I just have their numbers [through a family friend], but I work with them, I talk to them on a regular basis and I’m learning from them all the time.”

Liu also says that whenever she talks about the scheme people always respond with great interest.

“Not only has the scheme opened up doors for me into the law, but it gives me something to talk about at university. I feel that it, fairly or unfairly, gives me a kind of credibility and people start treating me with more respect.”

Though she appreciates having this “point of interest”, and the social credits this endows upon her, she asks, “Is it just through this scheme that I have proved myself to [them]?”

Do class-divisions, in particular, present themselves as a hurdle that must be “jumped” and subsequently “left behind”? Should access to the Bar, and acceptance within it, require people from diverse backgrounds to overcome their differences, by minimizing them as much as possible? Is diversity so undervalued that the ultimate goal is homogeneity? Arguably, the Bar should be apologetic for not embracing difference enough, rather than individuals from underrepresented groups apologizing for who they are, but more than anything, where they come from. Ali, reflecting on the current situation, says:

“If you want to have good lawyers, and you want to have justice, then naturally you have to have a wide range of people who are allowed to, and actively encouraged to, access the Bar.”

If there is a situation where people from underrepresented groups feel unwelcome, or like they don't have a way in, she says:

"The same system will be perpetuated. Allowing young people from BAME and working-class backgrounds, and/or women to come in and experience [the Bar] and see that the inside is a place that they need to aspire to be in so that they can make change is vital. You can't sit on the outside and change it. You have to understand it fully and be part of it to have an impact."

Ali also points out that the "Access to the Bar" scheme is not just of huge benefit to the young people who are being supported, but that recruiting diverse talent brings a new perspective and pushes people, especially those who have been practicing for a while, to think in a different way.

The reality is, quite often, diversity schemes are run by people who are not necessarily in tune with what it is like to be young *now*, or to be at the receiving end of law and legislation in their communities and their own lives. Ali gives the example of cases where having a more diverse Bar would be an advantage, and would save time and money. She shares that she has shadowed a number of cases where defendants giving evidence were being asked to "break-down and clarify what each word they were saying meant" when using non-traditional English, especially in online communications, for example through messaging applications such as WhatsApp.

"I knew that the jury could understand the words, and the 'translations' were largely for the lawyers. The lack of understanding of youth language and young culture is a real problem at the moment and it can dictate the result of certain cases, especially relating to those of a certain demographic. Sometimes it feels like the lawyers make out like a word is more meaningful than it is. It's frustrating that this gap in knowledge is dictating the way the law is working."

How other chambers or firms can help widen the scheme

"For what you're able to achieve and the help you're able to give the participants, the financial impact on Chambers is really minimal," says Middleton QC. Even in a Chambers the size of Garden Court, the cost of supporting six mentees over the duration of the scheme is manageable, and places no financial burden on members as they are paying the same into the Special Fund as they were before the scheme was set up in 2017.

“It’s such a substantial scheme and it doesn’t need to take away from anything you might be doing already. It’s possible for small chambers to take on something similar to make a difference to individuals’ lives. If every chambers took on even one young person and carried them through university – whether through mentoring, work experience, or financial assistance – imagine how many people could be helped and the impact that it would have.”

It could easily be a daunting prospect for a set of chambers or a firm to start up their own initiatives without any guidance. However, we hope that this chapter will go some way towards assisting others on setting up something similar to promote diversity, and effect wider change within the legal sector.

Says Liu:

“The program is a huge stepping stone for people interested in law,” “and it should definitely be taken on by more chambers and firms. There are so many people who want to succeed, but there aren’t always these opportunities for them to grab onto. I think that the only way we can make the legal sector more balanced is by actively seeking out BAME students.”

One of the benefits of “Access to the Bar for All” is that it is small and manageable, making it affordable and achievable, not just for large organizations. The main hinge upon which the scheme turns is the fact that all lawyers involved as mentors are volunteers, which means that a firm’s costs are not massively increased by their engagement. “There is no financial incentive for them,” Liu explains, “but they should be motivated to educate younger people from different backgrounds who don’t necessarily have a whole system behind them. Sometimes young people like that – like me – need that extra support.”

Dalton, Oaklands School, said:

“There are very few schemes, currently, which recognize the many barriers faced by young people when applying for the Bar, such as being closed out by well-connected, fee-paying contemporaries and the overwhelming costs of university and the Bar course. Garden Court Chambers’ scheme is so good because it recognizes that one-week shadowing schemes, common across the legal field, have little impact on increasing diversity at the Bar as they don’t address the issues faced by young people from under-privileged backgrounds. The longer view taken by this scheme is crucial because the barristers provide support to students beyond the sixth form

as they make choices at university, where typically there is little specialized guidance available."

There is an overrepresentation at the Bar of those who attended fee-paying schools, and barristers are more likely than not to have at least one parent who went to university. We hope that many other chambers and law firms will follow suit and will set up their own long-term schemes to address the lack of diversity at the Bar and tap into the rich vein of talent available from underrepresented groups, who have so much to gain by being welcomed and supported by the legal profession, but also *so much to offer*.

Mia Hakl-Law, director of HR and Operations at Chambers, is happy to be contacted in relation to the scheme and offer guidance, provide further information or answer any in-depth questions.

Garden Court is thrilled and honored to have won the Chambers Diversity Initiative of the Year at the UK Diversity Legal Awards in November 2017 for our long-term mentoring scheme.

Reference

1. www.barstandardsboard.org.uk/media/1975681/diversity_at_the_bar_2018.pdf
2. *Ibid.*